BORA LASKIN LAW LIBRARY
3 1761 03873 3093

CRIMINAL LAW

Cases and Materials

VOLUME 1

Alan Mewett, Martha Shaffer, and Hamish Stewart

Faculty of Law
UNIVERSITY OF TORONTO

1995-1996

These materials are distributed solely for classroom use by students in the Faculty of Law, University of Toronto

BORA LASKIN LAW LIBRARY

AUG 18 1995

FACULTY OF LAW
UNIVERSITY OF TORONTO

BORA LASKIN LAW LIBRARY
UNIVERSITY OF TORONTO

CRIMINAL LAW

Cases and Materials

VOLUME 1

Alan Mewett, Martha Shaffer, and Hamish Stewart

Faculty of Law
UNIVERSITY OF TORONTO

1995-1996

These materials are distributed solely for classroom use by students in the Faculty of Law, University of Toronto

Digitized by the Internet Archive
in 2018 with funding from
University of Toronto

https://archive.org/details/criminallawcases01mewe_0

CRIMINAL LAW: CASES AND MATERIALS

VOLUME 1

TABLE OF CONTENTS

1. INTRODUCTION

Note: Criminal Law and the Division of Powers 1

Note: Rights of Appeal 3

Alan W. Mewett, "The Canadian Criminal Code, 1892-1992" (1993) 72 Can. Bar Rev. 1, excerpts 5

R. v. Goulis (1981), 60 C.C.C. (2d) 347 (Ont. C.A.) 19

R. v. Pare (1987), 38 C.C.C. (3d) 97 (S.C.C.) 23

2. CONSTITUTIONAL CONSTRAINTS

Reference Re s. 94(2) of the Motor Vehicle Act (1985), 23 C.C.C. (3d) 289 (S.C.C.) 30

R. v. Oakes (1986), 24 C.C.C. (3d) 321 (S.C.C.) 40

R. v. Butler (1992), 70 C.C.C. (3d) 129 (S.C.C.) 53

Note: Vagueness and Overbreadth 79

3. THE PHYSICAL ELEMENT

(a) <u>The Act Requirement</u>

R. v. Colucci (1965), 4 C.C.C. 56 (Ont. C.A.) 95

R. v. Chase, [1987] 3 S.C.R. 293 97

R. v. McCraw (1991), 66 C.C.C. (3d) 517 (S.C.C.) 102

R. v. K.B.V. (1993), 82 C.C.C. (3d) 382 (S.C.C.) 110

Larsonneur (1933), 24 Cr.App.R. 74 (C.A.) 112

R. v. King, [1962] S.C.R. 746 115

Kilbride v. Lake, [1962] N.Z.L.R. 590 (S.C.) 121

Timbu Kolian v. The Queen (1968), 119 C.L.R. 47 124

R. v. Instan (1893), 1 Q.B. 450 131

People v. Beardsley (1907), 113 N.W. 1128 (Supreme Court of Michigan) 134

Fagan v. Commissioner of Metropolitan Police, [1969] 1 Q.B. 439 137

Moore v. The Queen, [1979] 1 S.C.R. 195 140

Thabo Meli v. The Queen, [1954] 1 W.L.R. 228 (P.C.) 146

R. v. Miller, [1982] 2 W.L.R. 937 (C.A.), aff'd [1983] 2 A.C. 161 (H.L.) 148

(b) Causation

British Columbia Electric Railway Co. Ltd. v. Loach, [1916] 1 A.C. 719 (P.C.) 153

E.H. Carr, *What is History?* (Harmondsworth: Penguin, 1964), excerpt . . 154

People v. Lewis (1899), 57 Pac. 470 156

R. v. Jordan (1956), 40 Cr.App.R. 152 (C.A.) 158

R. v. Smith, [1959] 2 Q.B. 35 (C.-M.A.C.) 161

R. v. Blaue (1975) 1 W.L.R. 1411 (C.A.) 164

Smithers v. The Queen (1977), 34 C.C.C. (2d) 427 (S.C.C.) 166

R. v. Le Brun, [1991] 4 All E.R. 673 (C.A.) 170

Pagett (1983), 76 Cr.App.R. 279 (C.A.) 176

4. THE MENTAL ELEMENT

(a) General

R. v. City of Sault Ste. Marie (1978), 40 C.C.C. (2d) 353 (S.C.C.) 193

R. v. Steane, [1947] 1 K.B. 997 (C.A.) 199

Dunbar v. The King (1936), 67 C.C.C. 20 (S.C.C.) 202

R. v. Paquette (1976), 30 C.C.C. (2d) 417 (S.C.C.) 204

R. v. Caldwell (1981), [1982] A.C. 341 (H.L.) 209

Sansregret v. The Queen (1985), 18 C.C.C. (3d) 223 (S.C.C.) 217

R. v. Tutton and Tutton (1989), 48 C.C.C. (3d) 129 (S.C.C.) 225

R. v. Waite (1989), 48 C.C.C. (3d) 1 (S.C.C.) 240

(b) Constitutional Considerations

R. v. Vaillancourt (1987), 39 C.C.C. (3d) 118 (S.C.C.) 245

R. v. Martineau (1990), 58 C.C.C. (3d) 353 (S.C.C.) 255

R. v. De Souza (1993), 76 C.C.C. (3d) 124 (S.C.C.) 274

R. v. Hundal (1993), 79 C.C.C. (3d) 97 (S.C.C.) 282

R. v. Creighton (1993), 23 C.R. (4th) 189 (S.C.C.) 292